

(408) 297-8750 #80100 & 80149

James J. Gold

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Attorneys for the Debtor

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:

Chapter 13

Case No. 09-5-3923 RLE

Nishan Urkumyan

Debtor _____ /

Response Regarding Deed of Trust Priority

Hearing Date: February 18, 2010

Hearing Time: 2:00 p.m.

Judge: Roger L. Efremsky

Counsel for the debtor has reviewed the copies of the deeds of trust provided by the movant, E*Trade Bank.

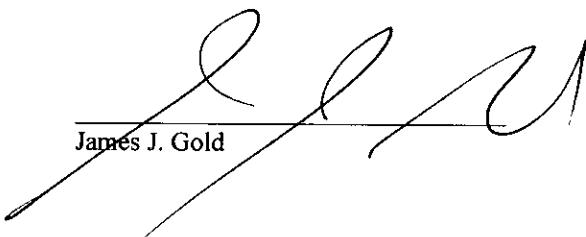
The debtor has expressed his own strongly-held beliefs that the movant's deed of trust is either void, or reconveyed, or paid off, or otherwise not properly or effectively a lien on his property. Counsel for the debtor cannot raise any of these arguments for the purpose of preventing the movant from relief from its stipulated order avoiding its lien, and thus defers raising any of them at this time.

Should sufficient evidence be accumulated to justify a claim by the debtor that the movant's lien should not have full force, effect and priority, then at that time a proceeding will be brought to assert this position and for appropriate relief.

Accordingly the prior order avoiding the movant's lien should be vacated.

Respectfully submitted,

Dated: 2-1-2010



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CERTIFICATE OF SERVICE RE
Response Regarding Deed of Trust Priority

I, the undersigned, declare that I am employed in the County of Santa Clara. I am over the age of 18 years and not a party to the within entitled action. My business address is 1570 The Alameda, Suite 223, San Jose, California.

On February 1, 2010, I served the within Response Regarding Deed of Trust Priority by placing a true copy thereof in a sealed envelope with postage thereon prepaid in the United States Mail at San Jose, California, addressed as follows:

Katherine L. Johnson
Pite Duncan, LLP
525 E. Main Street
P.O. Box 12289
El Cajon, CA 92022-2289

I declare, under penalty of perjury, that the foregoing is true and correct. Executed on February 1, 2010, at San Jose, California.

Dated: February 1, 2010

